

**State of New Mexico**  
**LEGISLATIVE EDUCATION STUDY COMMITTEE**

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**MINUTES**  
**LESC MEETING**  
**May 12-14, 2008**

D. Pauline Rindone, Ph.D., Director  
Frances R. Maestas, Deputy Director

Representative Rick Miera, Chair, called the Legislative Education Study Committee (LESC) meeting to order on Monday, May 12, 2008, at 9:12 a.m., Administrative & Educational Services Center (Board Room), Roswell, New Mexico.

The following LESC members were present:

Representatives Rick Miera, Chair, Roberto "Bobby" J. Gonzales, and Mimi Stewart; and Senators Cynthia Nava, Vice Chair, Vernon D. Asbill, Mary Jane M. Garcia, and Gay G. Kernan.

The following LESC advisory members were present:

Representatives Ray Begaye, Nathan P. Cote, Nora Espinoza, Mary Helen Garcia, John A. Heaton, and Jim R. Trujillo; and Senator William E. Sharer.

Also in attendance were Representative Candy Spence Ezzell, Representative Daniel R. Foley, and President Pro Tempore Timothy Z. Jennings.

**◇ Approval of Agenda**

On a motion by Representative Stewart, seconded by Senator Kernan, the committee unanimously approved the agenda as presented.

**◇ Welcome and Introductions**

Chairman Miera recognized the following individuals who welcomed the committee to Roswell: Mr. James Waldrip, President, Roswell Independent Schools Board; Mr. Michael Gottlieb, Superintendent, Roswell Independent Schools; President Pro Tempore Timothy Z. Jennings; and LESC member Representative Nora Espinoza.

Mr. Gottlieb said that a subject of pride for him and the school district is the fact that, in school year 2007-2008, 80 percent of their schools made adequate yearly progress (AYP), the highest percentage of success in the state among large school districts. Addressing the need for students to improve their math skills, in particular with understanding word problems, the school district developed a process called "Problem of the Day," gearing it to include all students, from

kindergarten students with very basic skills to high school students with advanced math skills, such as calculus. Mr. Gottlieb and Mr. Brian Harding, math teacher at Goddard High School, also shared with the committee a short power point presentation on the Singapore Math process, a step-by-step model-drawing approach to solving word problems that provides a bridge between the concrete and abstract.

## **OVERVIEW OF CURRENT AND PROPOSED PUBLIC SCHOOL FUNDING FORMULAS**

Dr. Kathleen Forrer, LESC staff, explained that, in order to provide the committee with background for the upcoming discussions with school districts, she and Mr. Peter van Moorsel, LESC staff, would provide the committee with a brief overview of the current public school funding formula and the new public school funding formula that was proposed during the 2008 legislative session.

Dr. Forrer briefly reviewed the history of the proposed funding formula, noting that the Funding Formula Study Task Force was instituted by the Legislature in 2005 in order to conduct an independent study of the current public school funding formula in order to determine whether it still meets the needs of school districts and charter schools. In order to carry out its charge, she said, in August 2006, the task force selected American Institutes for Research (AIR), headquartered in Palo Alto, California, to conduct an independent study of the funding formula. Dr. Forrer stated that, in January 2008, the task force adopted a discussion draft of a bill that incorporated the contractor's recommendations regarding the funding formula, which the LESC endorsed for the 2008 legislative session. However, she said, House Bill 241 (HB 241), *Public School Funding Formula Changes*, which was amended several times during the session, did not pass.

Dr. Forrer directed the committee's attention to the following items behind tab 1 in their notebooks: a side-by-side comparison of the current and proposed public school funding formulas; an example of the school district calculator (spreadsheet) used to determine the program cost generated by the proposed formula; a copy of the spreadsheet used to calculate the Index of Staff Qualifications (ISQ), a component of the proposed formula; a section-by-section analysis of HB 241 prepared by the Legislative Council Service (LCS); and a mock-up of HB 241 that included the bill as introduced plus all amendments added during the session.

Dr. Forrer explained that, although there are some basic differences between the current public school funding formula and the proposed formula, there is one underlying principal upon which both are based: The education of a child should not be dependent upon the wealth of the community in which that child lives. Stating that both formulas provide a means of distributing dollars equitably, she noted that the current formula is a weighted pupil formula and the proposed formula more heavily emphasizes measures of student need, such as poverty, English learner status, and mobility.

Mr. van Moorsel provided an overview of the current public school funding formula. Among the points he cited were the following:

- enacted by the New Mexico Legislature in 1974 the current public school funding formula was designed to distribute operational funds to local school districts in an equitable manner, based on the educational needs of individual students and the costs of the programs designed to meet those needs;

- the objectives of the formula are to equalize educational opportunity statewide, while retaining local autonomy in the actual use of funds by making the distribution noncategorical and thus allowing districts to address their specific local needs;
- within statutory and regulatory guidelines, school districts have the latitude to spend their dollars according to local priorities;
- the formula establishes the educational need of each school district based on the number of students enrolled in a given program and the cost differentials, or weights, assigned to these programs; these weights reflect the relative costs incurred by districts in providing the programs; and
- the total calculated cost of operating a school district (or charter school) is called “program cost.”

Mr. van Moorsel explained that the current formula is based on units. Program units, he said, are determined by multiplying the number of full-time equivalent students in a given program by that program’s cost differential. He noted that the current public school funding formula includes the following program cost differentials:

- early childhood education (1.44);
- grade 1 (1.2);
- grades 2-3 (1.18);
- grades 4-6 (1.045);
- grades 7-12 (1.25);
- special education service levels;
  - A and B (0.70);
  - C (1.0);
  - D (2.0);
  - DD services for three- and four-year-old developmentally disabled children (2.0);
- bilingual education (0.5);
- elementary fine arts (0.05); and
- elementary physical education (0.06).

Mr. van Moorsel explained that the grand total number of units used to determine program cost is determined by multiplying the sum of the program units by the Training and Experience (T&E) Index, which is a factor used to adjust for instructional staff education and experience in each district, and then adding the following additional units, as applicable to that particular district:

- school and district size units;
- rural isolation units;
- new district units;
- at-risk program units;
- enrollment growth units;
- units for each National Board for Professional Teaching Standards (NBPTS)-certified teacher employed;
- charter school and/or home school activities units; and
- any save harmless units for districts with a membership of 200 or fewer.

To determine program cost, Mr. van Moorsel said, the grand total number of units is multiplied by the unit value. Explaining that the *General Appropriation Act* includes language directing the Secretary of Public Education to establish unit value based on that year's State Equalization Guarantee appropriation, he noted that the preliminary unit value for school year 2008-2009 is \$3,892.47, an increase of \$227.82 over the final unit value for school year 2007-2008.

Dr. Forrer then highlighted how the proposed funding formula differs from the current formula. She noted that the proposed formula does not begin with the calculation of units but with the base per-student cost, which is defined as the sufficient per-student cost for the average-sized district (3,532 students) with average shares of K-5, 6-8, and 9-12 enrollment (44 percent, 23.4 percent, and 32.5 percent, respectively) and no additional student needs (i.e., poverty, English learners, special education, or mobility). Dr. Forrer explained that, once the base per-student cost has been determined, it is then multiplied by a series of cost factors to arrive at the per-student cost that is sufficient for the needs of a particular school district or charter school.

Noting that a discussion time just for charter schools had been tentatively scheduled for the June meeting, Dr. Forrer stated that there are two formulas used to calculate sufficient per-student cost, one for school districts and one for charter schools. The formula calculations differ only with regard to three items: base per-student cost, which is higher for charter schools than for school districts; scale, which reflects the fact that a single charter school does not have the complexity of a school district; and the manner in which special education is measured. She then reviewed the cost factors used to determine the sufficient per-student cost for a school district or charter school:

- poverty, which is measured by the percentage of qualified students in a school who qualified for free or reduced-price lunch as of September 30 of the prior school year;
- English language learners, which is measured by the percentage of qualified students designated as English language learners based on a department-approved English language proficiency assessment;
- special education, which, for school districts, is measured by 16 percent of the total number of qualified students; and which, for charter schools, is measured by the percentage of qualified students required by the federal *Individuals with Disabilities Education Improvement Act* to have an individualized education program for the delivery of special education, including developmentally disabled three- and four-year-old students;
- mobility, which is the district-level student-weighted average percentage of total enrollment that entered or left the school over the school year;
- the percent of the district's or charter school's students enrolled in grades 6-8;
- the percent of the district's or charter school's students enrolled in grades 9-12;
- the scale of operations, which is based on the total enrollment of the district or charter school; and
- the weighted (adjusted) ISQ.

Dr. Forrer explained that all eight cost factors are multiplied together and then multiplied by the base per-student amount to determine the sufficient per-student amount for each school district and charter school. To determine total sufficient program cost for each school district and charter school, she continued, the sufficient per-student program cost is multiplied by the district's or charter school's total enrollment. For other than growth districts, total enrollment is the average of the prior year's December and February enrollments. For a growth district (a district that has a higher current year than prior year October enrollment), total enrollment is the higher of the current year October enrollment or the average of the prior year December and February enrollments.

According to the Funding Formula Study Task Force, Dr. Forrer stated, the total sufficient program cost should include enough resources to support “a comprehensive instructional program that includes the...core academic programs”; bilingual and multicultural education, including culturally relevant learning environments, educational opportunities, and culturally relevant instructional materials; health and wellness, including physical education, athletics, nutrition, and health education; career-technical education; visual and performing arts and music; gifted education, advanced placement, and honors programs; special education; and distance education. Dr. Forrer stated that, although the base per-student amount is the same for every school district, the differences among the school districts create differences in the sufficient per-student amount, depending upon student needs, as reflected by the cost factors, including district size and grade-level composition. She added that the same holds true for charter schools.

Dr. Forrer also made the following observations regarding particular aspects of the proposed funding formula:

- Although the T&E and the ISQ calculations include the same instructional personnel, there are several important differences:
  - in addition to training and experience, the ISQ recognizes the three-tiered licensure levels for teachers;
  - although both indexes start at 1.00, the value of 1.00 in the ISQ corresponds to the average, not the lowest, personnel compensation levels; and
  - although the T&E is applied to all costs associated with programs, the ISQ is adjusted to reflect only that proportion of a district's or charter school's expenditures that is used for salaries and benefits.
- The 16 percent special education census-based rate for school districts in the proposed formula is the 2006-2007 statewide average identification rate of students who are required by the federal *Individuals with Disabilities Education Improvement Act of 2004* (IDEA) to have an individualized education program. Because gifted students are not included in the federal definition of special education, they are not included in the 16 percent.
- Although the proposed funding formula does not include gifted students in the special education formula adjustment, it does require that school districts and charter schools offer programs for students identified as gifted. Funding for these programs is included in the sufficient per-student cost.

Dr. Forrer concluded the presentation by stressing the importance of using accurate data to compute program cost for school districts and charter schools whether the current or the proposed funding formula is used. Noting that both the Public Education Department (PED) and the school districts share the responsibility for ensuring that data submitted through the department's Student Teacher Accountability Reporting System (STARS) is correct, Dr. Forrer requested the committee to consider allowing staff to make a brief presentation at a future meeting regarding the data issues that must be resolved regardless of the funding formula in effect.

#### **Committee Discussion:**

Representative Miera recognized Dr. Veronica C. García, Secretary of Public Education, who was in the audience, and invited her to respond to questions from the committee regarding the draft legislation and the proposed public school funding formula.

In response to a committee member's question regarding the suitability of the Educational Plan for Student Success (EPSS) as an accountability tool in conjunction with the proposed funding formula, Secretary García explained that the EPSS is a strategic plan that tends to be narrowly focused, particularly in school districts that have schools in need of improvement. She noted that, because of this narrow focus, the EPSS might not be the best instrument to measure whether districts are expending funds generated under the new formula in accordance with the proposed statutory requirements; but she expressed her willingness to work with the committee to develop appropriate accountability procedures. Representative Miera stated that, in conjunction with Secretary García, the LESC has formed a subcommittee to address this issue.

In response to a committee member's question regarding the 16 percent census-based rate for special education, Secretary García stated that the figure was based on the 2006-2007 statewide average identification rate of students who are required by IDEA to have an individualized education program. She noted that this figure does not include gifted students. Several committee members expressed concern that the 16 percent rate might not be sufficient to cover the special education costs for every school district.

Representative Miera asked Senator Jennings, who had been invited to join the committee at the table, if he would like to comment on the proposed funding formula. Senator Jennings reminded the committee that New Mexico was the last state to accept federal funding for special education, which accounts for some of the differences between the state and federal statutes. He explained that some parents of gifted children were worried that the proposed funding formula would eliminate the requirement that gifted students in New Mexico have an individualized education program. In response, a committee member noted that, had it passed, HB 241 would have required school districts and charter schools to offer programs for students identified as gifted. The committee member also noted that the 16 percent census-based rate used in the proposed formula is higher than the national average, which is closer to 14 percent. Representative Miera stated that, in its discussions around the state regarding the proposed funding formula, the committee will solicit input from parents and other interested parties regarding gifted programs.

Several committee members also discussed the need for additional recurring revenue to fully implement the proposed funding formula.

Expressing concern that even if the proposed funding formula is fully implemented, student achievement might not improve, a committee member stressed the need for appropriate accountability measures.

Senator Asbill requested that PED provide, on a by-district basis, the percent of special education students as defined in the federal IDEA.

Representative Stewart requested that Legislative Finance Committee (LFC) staff update and validate the information provided in its *Review of Selected Operations of Albuquerque Public Schools: October 26, 2007* regarding the percent of time that teachers in the Albuquerque Public Schools are absent from work.

Representative Miera asked PED to examine the feasibility of having locally chartered charter schools submit data directly to STARS rather than through their chartering district and to report its recommendations to the committee prior to the 2009 legislative session.

## DIRECTOR'S REPORT

### *a. Approval of LESC Minutes for April 2008*

On a motion by Representative Gonzales, seconded by Senator Asbill, the committee unanimously approved the LESC Minutes for April 2008.

### *b. Approval of LESC Financial Report for March 2008*

On a motion by Representative Stewart, seconded by Senator Garcia, the committee unanimously approved the LESC Financial Report for March 2008.

### *c. Correspondence*

Dr. Rindone reviewed several items of correspondence included in the committee members' notebooks, adding that these items are also available in the LESC permanent files. In particular, she directed the committee's attention to the memorandum from Mr. Gilbert A. Perea, Assistant Secretary for Instructional Materials and Public School Transportation, Public Education Department, on the fuel costs for public school transportation. She noted that, as of May 6, 2008, the FY 08 appropriation is under-funded by \$1.575 million and that the 2009 appropriation is already under-funded by \$1.1 million.

## PROPOSED PUBLIC SCHOOL FUNDING FORMULA CALCULATIONS OF SCHOOL DISTRICTS

Dr. Kathleen Forrer, LESC staff, explained that, for the 2008 interim, all 89 school districts have been invited to work with the LESC to examine the potential impact on school district programs and student achievement of the new public school funding formula that was proposed during the 2008 legislative session. She stated that, in order to facilitate this effort, the districts have been grouped according to student membership and scheduled to attend one of six LESC interim meetings.

Noting that three groups of districts would be discussing the proposed funding formula with the committee during the current meeting in Roswell, Dr. Forrer directed the committee's attention to documents behind tab 3 in their notebooks. She explained that there were three sets of documents, one for each group of districts, and that each set included a summary spreadsheet comparing the potential fiscal impact of the proposed funding formula on all of the districts in a particular group; copies of the individual calculators for the districts in that group; and a copy of the letter sent to all of the districts prior to the meeting both inviting the districts to participate and posing questions to which they had been asked to respond as a means of facilitating the discussions. She stated that two of the groups of districts scheduled for the current LESC meeting would present to the committee on Monday afternoon, while the third group was scheduled to present on Tuesday morning, with Group 3 being the first to meet with the committee and Group 1 being the last. The groups are identified in the table below:

Group 3		Group 2		Group 1	
District	Enrollment	District	Enrollment	District	Enrollment
Carrizozo	201.0	Capitan	568.0	Artesia	3,536.0
Dora	207.0	Cloudcroft	469.5	Clovis	8,139.0
Elida	139.5	Dexter	1,106.0	Hobbs	7,749.5
Floyd	259.0	Eunice	585.0	Lovington	3,030.0
Fort Sumner	319.5	Hagerman	443.0	Portales	2,832.0
Grady	136.5	Jal	439.0	Roswell	9,297.5
Hondo Valley	126.5	Loving	573.5		
House	121.0	Texico	526.5		
Lake Arthur	156.0				
Melrose	230.0				
Tatum	274.0				

Prior to each group's presentation, Dr. Forrer reviewed with the committee the summary spreadsheet, which was based on the individual calculators for each district in that group. Noting that Group 3 included districts with budgeted enrollments for school year 2007-2008 ranging from a high of 319.5 in Fort Sumner to a low of 121.0 in House, she explained that the overall adjustment factor for this group of districts as a whole was high because the proposed funding formula reflects the fact that the per-student cost in a small school district is higher than in a district with an enrollment closer to the statewide average of approximately 3,532. She added that the overall adjustment factor, which is a composite adjustment based on student need and district size, ranged from a high of 3.550 for House to a low of 2.332 for Fort Sumner.

Dr. Forrer also indicated that, because the current public school funding formula does not always distribute sufficient funds to small districts, the Public Education Department (PED) had allowed four of the 11 districts in Group 1 to budget emergency supplemental funds for operational purposes in FY 08.

Speaking in support of the proposed public school funding formula, the school districts in Group 3 cited the following problems arising from their current financial situation and rural location:

- the need to rely on emergency supplemental funding for recurring operational expenditures;
- the inability to attract and retain special education ancillary staff, such as nurses, occupational therapists, physical therapists, and speech pathologists;
- the difficulty of providing the necessary services for high-need special education students, such as those with traumatic brain injuries or multiple disabilities;
- the inability to offer a broad spectrum of courses, particularly at the high school level; and
- the need for updated technology, such as broadband, in order to access online courses for students and professional development for staff.

Dr. Forrer explained that Group 2 included school districts with budgeted enrollments for school year 2007-2008 ranging from a high of 1,106.0 in Dexter to a low of 439.0 in Jal. The larger enrollments in these districts, she noted, were reflected in somewhat lower overall adjustment factors, which ranged from a high of 2.379 in Hagerman to a low of 1.963 in Dexter. She pointed out that the overall adjustment factor for Dexter, the largest district in the group, was the



only factor below 2,000. Dr. Forrer added that, although size is an important contributor to the magnitude of the overall adjustment factor, the indicators of need, particularly poverty, are also major contributors. She also indicated that, although Cloudcroft had requested emergency supplemental funds, none of the districts in Group 2 had received permission from PED to budget supplemental emergency funds for FY 08.

In general, the school districts in Group 2 concentrated their remarks regarding the proposed funding formula on how they would expend any additional funds to improve and/or expand academic and support programs for students. Among the topics of discussion were:

- expanded programs for gifted students;
- the continuation of federal programs deemed successful by the districts, such as Reading First and 21<sup>st</sup> Century after-school programs, for which the federal grants will no longer be available;
- the expansion of field trip experiences for students in rural areas;
- additional counselors and social workers to help students deal with drugs, domestic violence, and other serious social issues;
- expanded academic support programs, particularly in math and reading; and
- additional professional development to ensure consistency across the curriculum.

Dr. Forrer stated that Group 1 included the largest districts in the southeastern part of New Mexico, with budgeted enrollments for school year 2007-2008 ranging from a high of 9,297.5 in Roswell to a low of 2,832.0 in Portales. She explained that the overall adjustment factors for these districts reflected the increase in size and ranged from a high of 1.623 for Portales to a low of 1.493 for Clovis. As was the case for the districts in Group 2, none of the districts in Group 3 had budgeted emergency supplemental funds for operational expenditures.

Speaking in favor of the proposed funding formula, the districts in Group 1 also stressed how they would use any additional funds to meet student needs. Many of their proposals were similar to those of Group 2, but some, such as additional security officers, were unique to the larger districts:

- the continuation of federal programs for which the federal grants will no longer be available;
- enhancement of programs for the gifted;
- professional development and reading academies;
- reading and math specialists;
- additional security officers;
- truancy officers;
- additional instructional days;
- reduced class size in first and second grade; and
- special education teachers to serve homebound students.

Representative Miera recognized a member of the audience, Ms. Sandra Carrica, President, Roswell Association for Gifted Students, who asked to speak on behalf of gifted students and their parents throughout the state. Noting that gifted students would no longer be considered special education students if the proposed funding formula were implemented, Ms. Carrica asked the committee to consider recommending that the proposed formula be amended to include gifted students in the definition of special education. Ms. Carrica then asked that representatives

from the gifted associations be allowed to make a presentation to the committee. Representative Miera stated that the committee would be examining the proposed formula throughout the interim and that special education would be a matter of consideration.

All three groups were asked by the committee if the data used in the calculators appeared accurate. Among the issues cited by the districts in response were (1) the difficulty some districts have in persuading parents to fill out the forms required to qualify their children for the federal free and reduced-fee lunch program, thereby resulting in an understatement of district poverty; and (2) problems encountered by districts in ensuring that the data submitted to THE Student Teacher Accountability Reporting System (STARS) are valid.

At the conclusion of the group discussions, Dr. Rindone explained to the committee that staff would be compiling all of the districts' responses to the questions sent to them prior to the meeting, as well as summarizing all of the discussions being held throughout the interim, and would provide the committee with a final report no later than the committee's December meeting.

There being no further committee discussion, Chairman Miera, with the consensus of the committee, recessed the meeting at 4:40 p.m.

**MINUTES  
LESC MEETING  
TUESDAY, MAY 13, 2008**

Representative Rick Miera, Chair, called the Legislative Education Study Committee (LESC) meeting to order on Tuesday, May 13, 2008, at 9:16 a.m., Administrative & Educational Services Center (Board Room), Roswell, New Mexico.

The following LESC members were present:

Representatives Rick Miera, Chair, Roberto "Bobby" J. Gonzales, Jimmie C. Hall, and Mimi Stewart; and Senators Cynthia Nava, Vice Chair, Vernon D. Asbill, Mary Jane M. Garcia, and Gay G. Kernan.

The following LESC advisory members were present:

Representatives Ray Begaye, Nathan P. Cote, Nora Espinoza, Mary Helen Garcia, John A. Heaton, and Jim R. Trujillo; and Senators Lynda M. Lovejoy and William E. Sharer.

Mr. Michael Gottlieb, Superintendent, Roswell Independent Schools, introduced Mr. George Peterson, Roswell Board Member, who thanked the committee members for coming to Roswell for their meeting.

## **PROPOSED PUBLIC SCHOOL FUNDING FORMULA CALCULATIONS OF SCHOOL DISTRICTS (continued)**

Chairman Miera welcomed the individuals representing the public school districts and impressed upon them the importance of their coming before the committee with their input on this proposed funding formula bill. He explained to them, as he did to the public school district representatives the day before, that these series of hearings with school districts and charter schools are essential in order to solicit information on the implications of moving to a census-based student count to determine special education funding and the optimal means of addressing the needs of gifted students, as well as the increased role that the Educational Plan for Student Success (EPSS) will play with regard to curriculum and finance. He said it is hoped the results of these hearings will provide the committee with the additional information necessary to determine if any changes are needed to the original legislation.

This item is summarized on pages 7-10 of these minutes.

### **COLLEGE AND UNIVERSITY PRESENTATIONS: P-20 PARTNERSHIPS WITH SCHOOL DISTRICTS**

To determine if and to what extent postsecondary institutions and local school districts communicate and coordinate their efforts to prepare students for college-level work and the work force, the committee included in its 2008 Interim Workplan a series of hearings with representatives of two- and four-year public postsecondary institutions in each region of the state to discuss their P-20 partnerships with local school districts to improve student success. Institutional representatives were asked to describe the goals of their initiatives, the strategies they use, the challenges they have faced, their evaluation of the initiatives, and any data that have been gathered showing results to date.

Ms. Pamela Herman, LESC staff, introduced a panel of representatives from the five public postsecondary institutions in east central New Mexico to discuss their P-20 partnerships with the committee, as follows: Dr. Jerry Harmon, Dean, College of Education and Technology, Eastern New Mexico University (ENMU) in Portales; Dr. Judy Armstrong, Provost, ENMU-Roswell; Mr. Chad Smith, Dean of Student Learning, ENMU-Ruidoso; Dr. Steve McCleery, President, New Mexico Junior College (NMJC) in Hobbs; and Dr. John Neibling, President, Clovis Community College.

The five panel members described a range of P-20 initiatives that each institution had created in partnership with local school districts to introduce students to potential courses of postsecondary study; to increase student engagement, high school graduation, and college enrollment and success; and to reduce rates of high school truancy and college attrition. Each representative said that recruiting students who might not otherwise be considering college or formal training after high school was one of the goals of their partnerships.

All of the college representatives identified dual credit programs as the major partnership initiatives their institutions and local school districts had undertaken during school year 2007-2008. The college representatives identified two categories of dual credit programs:

- academic programs designed to give a select group of high school juniors and seniors, generally those with grade point averages of 2.5 or above, a chance to begin earning credit toward a college degree by taking courses, via distance learning or face-to-face instruction, that also count toward high school graduation; and

- career-technical education (CTE) programs that offer selected vocational courses for students who want job training prior to high school graduation.

The panelists outlined the content of their dual credit programs and the number of participants in school year 2007-2008, as follows:

Dual Credit Program	Types of courses	# of Partners	Fall '07 Enr.	Spring '08 Enr.
ENMU-Portales dual credit	Agriculture, physics, chemistry, math, history	23 high schools	197	136
ENMU-Ruidoso Early College	Academic or career technical	10 high schools	120	59
ENMU-Ruidoso career technical education	Child dev., construction trades, hospitality/tourism, natural resources, web design, welding			
ENMU-Roswell dual credit	Ag, welding, computer aps, HVACR, Engineering/design tech, fire protection, EMS, prof. pilot ground school, cert. nurse asst., safety eng. tech., auto tech.	11 public high schools	281	222
NM Jr. College dual credit	30 100-level English, math, speech, social sciences, history, Spanish courses	5 school districts	292	380
NM Jr. College Area Career Technology Academy (ACT)	29 0- and 100-level auto tech, cosmetology, building trades, CAD, EMT, health occupations, welding and criminal justice courses		156	137
Clovis CC CTE dual credit	LPN, nail tech, technical career center	6 NM high schools	117	92
Clovis CC ITV-general education courses	communications, English, history, psychology, Spanish, theater	11 high schools	123	149
Clovis CC general education courses	English, math, biology, chemistry, anatomy, communications, art, computer science, economics, history, physical education, physics, psychology, sociology, Spanish	14 NM high schools	293	478
<b>Total Enrollment</b>			<b>1579</b>	<b>1653</b>

The representatives described their experiences implementing dual credit programs, as follows:

- To support student success, institutions employ such strategies as placement testing, assignment of full- or part-time liaisons to work with high school partners, creation of dual credit coordinating task forces, and faculty training and monitoring.
- To evaluate dual credit programs, the institutions monitor student dual credit course retention, completion, and grades, evaluate faculty and staff by students and administrators, and meet frequently with partners to discuss implementation issues.
- Finally, to ensure the success of their programs, the institutions strive to overcome challenges such as controlling quality, synchronizing schedules and calendars between colleges and high schools, student readiness for college-level work, the need of high school students for extra attention, the cost of transportation and textbooks for school districts, costs of equipment and bandwidth for postsecondary institutions providing distance delivered courses, allaying fears that dual credit programs are a threat to school district enrollments and budgets, and convincing parents of the value of career technical pathways.

In addition to dual credit programs, the panelists described several other types of P-20 partnerships they engaged in, including the following:

- consortia such as the Southeastern New Mexico Educational Resource Center (SNMERC) and the Eastern New Mexico Educational Resource Center (ENMERC) to develop technology for distance delivered education;
- award of credit for Advanced Placement courses taken in high school;
- performance reporting to high schools about recent high school graduates;
- TRiO programs (Talent Search, Upward Bound, and College Success), federal grant-funded efforts to improve the preparation, recruitment, retention and degree completion of low-income and first generation college candidates;
- Gaining Early Awareness & Readiness for Undergraduate Program (GEAR-UP), a federally funded grant operated by the Higher Education Department (HED) to improve college preparation among a cohort of 1,700 middle school students statewide;
- Tutoring and Academic College Test (ACT) preparation courses;
- Skills USA, a national organization of teachers and high school and college students that uses applied instruction to prepare high-performance workers in career and technical programs;
- the New Mexico Youth ChalleNGe Academy, a youth leadership development program run in partnership with the National Guard;
- hosting public school and community events to bring young people on campus; and
- professional development opportunities for teachers, counselors, and administrators in local school districts.

### ***Committee and Institutions of Higher Education Discussion***

Following the panelists' presentations about their P-20 partnerships, the Chair explained that he wished for committee members and postsecondary representatives to have an opportunity to discuss the P-20 initiatives in more depth. The discussion focused on the following issues:

- alignment of P-20 partnerships with the needs of local business and industry through membership on local community development organizations and chambers of commerce; involvement of local businesspeople on program advisory boards; and access to subsidies for non-credit bearing industry training courses (which are not supported through the funding formula) from a small state pool of money at HED appropriated annually for that purpose;
- the success of and prospects for the New Mexico Youth ChalleNGe Academy operated for at-risk youth from around the state by ENMU-Roswell and the New Mexico National Guard;
- research showing that students who participate in dual credit programs prior to leaving high school are more likely to stay in college and earn a degree than those who do not;
- the cost of textbooks for dual credit courses, which will be addressed by a work group convened by the LESC to make findings and recommendations to the committee during this interim;
- the important role played by regional education cooperatives (RECs) in supporting P-20 partnerships, particularly by developing infrastructure for distance delivery;
- the remediation needs of many students starting postsecondary education, which arise from a number of factors: lack of strong parental guidance; high school truancy; public school teachers who lack deep content area knowledge; distractions, inefficiency, and

insufficient time in the classroom; insufficient rigor in high school course selection; poor fidelity of instruction on the part of public school teachers; and the continued need to align college placement tests with high school curricula;

- the creation of professional development schools by districts and teacher preparation programs in partnership in order to tailor teacher training to the specific needs and programs of the districts; and
- progress in implementing the P-20 longitudinal data system required in law, based on PED's student and teacher accountability reporting system (STARS).

At the conclusion of the discussions, Dr. Rindone explained to the committee that staff would be compiling all of the information provided by the colleges and universities, as well as summarizing the discussions being held at committee meetings throughout the interim, and would provide the committee with a final report no later than the committee's December meeting.

There being no further committee discussion, Chairman Miera, with the consensus of the committee, recessed the meeting at 3:33 p.m.

### **MINUTES LESC MEETING Wednesday, May 14, 2008**

Representative Rick Miera, Chair, called the Legislative Education Study Committee (LESC) meeting to order on Wednesday, May 14, 2008, at 9:05 a.m., Administrative & Educational Services Center (Board Room), Roswell, New Mexico.

The following LESC members were present:

Representatives Rick Miera, Chair, Roberto "Bobby" J. Gonzales, Jimmie C. Hall, and Mimi Stewart; and Senators Cynthia Nava, Vice Chair, Vernon D. Asbill, Mary Jane M. Garcia, and Gay G. Kernan.

The following LESC advisory members were present:

Representatives Nora Espinoza, Mary Helen Garcia, John A. Heaton, and Jim R. Trujillo; and Senator William E. Sharer.

Also in attendance was Senator Rod Adair.

### **TEACHER ASSESSMENT AND LICENSURE**

Dr. David Harrell, LESC staff, introduced Dr. Mary Rose CdeBaca, Assistant Secretary, Educator Quality Division, Public Education Department (PED), and Ms. Elaine Martinez, Assistant Director, Professional Licensure Bureau, PED, who were available for questions.

During the 2007 interim, Dr. Harrell said, members of the committee raised questions about two aspects of teacher certification in New Mexico: the teacher assessments that candidates must pass and the state's policies and practices regarding licensure reciprocity. Regarding the teacher

assessments, he said, the concern was that teacher candidates are not allowed to “bank,” or receive credit for, parts of the test that they passed during one testing session and then retake only those parts that they failed. Regarding the reciprocity issue, he said there was some concern that, in order to avoid the requirement of the professional development dossier (PDD) for advancement from one licensure level to the next, some New Mexico teachers are obtaining licensure in other states and then seeking reciprocity to teach in New Mexico.

Beginning with teacher assessments, Dr. Harrell said that, according to PED and National Evaluation Systems/Pearson (NES/Pearson), the contractor for the assessments, the purpose of the New Mexico Teacher Assessments (NMTA) is “to help identify candidates for licensure who have demonstrated the level of knowledge and skills that is important in performing the job of an educator in New Mexico public schools.” The NMTA, Dr. Harrell continued, consists of the following three major components:

1. Assessment of Teacher Basic Skills, which is designed to measure fundamental communication and math skills that the state requires of classroom teachers and that are needed to complete a New Mexico educator preparation program;
2. Assessment of Teacher Competency, which is designed to measure a candidate’s professional and pedagogical knowledge and skills at one of these three levels, depending upon the kind of license sought: early childhood, elementary, or secondary; and
3. Content Knowledge Assessments, which is designed to measure the subject-matter knowledge and skills needed to teach effectively in New Mexico schools. The content knowledge assessments could take the form of middle or secondary level assessments in certain disciplines, foreign language assessments, or assessments in a number of other disciplines or fields.

In addition, Dr. Harrell said, each of the three main components consists of several sub-areas; and each of the sub-areas comprises a number of specific competencies. The staff report, he added, includes examples of these sub-areas and competencies.

To obtain a teaching license, Dr. Harrell continued, a candidate must pass all three main components of the NMTA. As provided in PED rule and NMTA guidelines, the passing score for each component is 240, out of a possible 300.

Dr. Harrell explained that, for any of the three major components of the NMTA – basic skills, teacher competency, or content knowledge – a candidate may bank a passing score. For example, he said a candidate who scores at least 240 on the basic skills and content tests but below 240 on the competency test must retake only the competency test “at any subsequent test administration,” as explained in the PED guidelines. Not eligible for banking, however, are scores on the sub-areas within the three main components, which test-takers receive from the contractor for their own information, perhaps to use in preparing to retake a test. This policy, Dr. Harrell said, has been in effect since the inception of the NMTA. Dr. Harrell then called the committee’s attention to the first attachment to the staff report, *New Mexico Teacher Assessments, Statewide Passing Rates on Selected Tests (1999-2007)*, which provides examples of both initial (first-time takers) and cumulative (first-time takers and retakers) of selected tests.

While it would be possible to provide separate passing scores for each of the sub-area tests, doing so, Dr. Harrell explained, would require not only a different approach to teacher assessment but also a substantial investment of time and resources, as enumerated in a memorandum that the contractor had sent PED in May 2007. In addition, the contractor noted two other factors:

- Company-conducted research has found that counting separate sub-area scores increases the failure rate of “marginal” candidates because they are no longer able to compensate for a weakness in one area with a strength in another.
- Because of the correlation between the number of items on a test and the reliability of the test, the length of each sub-area test would have to be increased substantially.

These issues notwithstanding, Dr. Harrell said, PED is planning to form a task force in 2009 to review the NMTA and the scoring of its parts, in advance of the expiration of the current contract with NES/Pearson on June 30, 2011.

Before leaving the teacher assessment portion of the presentation, Dr. Harrell offered a policy option based upon Attachment 1. As illustrated in that attachment, both the initial and the cumulative passing percentages on the early childhood version of the teacher competency test are substantially lower (19 points, on average) than the passing percentages on the other versions of the teacher competency tests – and almost all the content knowledge tests, as well. Therefore, given the relatively low passing percentage on the Assessment of Teacher Competency, Early Childhood, and considering the investment that the state has made in New Mexico PreK and K-3 Plus, the committee may wish to consider asking PED, the Higher Education Department, the Children, Youth and Families Department, and early childhood teacher preparation programs to:

1. examine the Assessment of Teacher Competency, Early Childhood, to determine whether it assesses the skills and knowledge that early childhood teachers need; and
2. review the early childhood teacher preparation programs to determine whether they provide training in the skills and knowledge that early childhood teachers need.

Proceeding to licensure reciprocity, Dr. Harrell said that the issue had come to the LESC before, in April 2004, when PED identified reciprocity as an issue that would need to be addressed in the near future in terms of the three-tiered teacher licensure, evaluation, and salary system. At the time, Dr. Harrell said, PED considered but ultimately rejected requiring teachers licensed in other states to complete a PDD for a Level 2 or Level 3-A license, in part because it seemed to contradict the recognition of another state’s teaching license and in part because it seemed to create a disincentive to recruitment.

Regarding New Mexico’s experience with licensure reciprocity, Dr. Harrell said that the Professional Licensure Bureau at PED reports that it receives, on average, 10 to 15 applications for reciprocity each day; and that it approves all but approximately 5.0 to 10 percent of those applications. While licensure requests may come from any state, Dr. Harrell said, the most frequent source states, according to PED, seem to be Texas, California, Arizona, and Florida, followed by states in the Midwest and the East. He said that, since 2003, the year that the three-tiered licensure system was enacted, PED has granted more than 5,000 teaching licenses (levels 1, 2, and 3-A combined) and more than 350 Level 3-B administrative licenses to people from other states through reciprocity, representing more than 30 percent of all licenses issued during that period.

Dr. Harrell then called the committee’s attention to a line graph showing that the greatest interest among teachers from other states has been in Level 2 and Level 3-A licenses. The graph also shows that the interest in those two licenses peaked at two particular times: 2004, when the three-tiered system was implemented; and the year that the minimum salary for each license went into effect – 2005 for Level 2 and 2007 for Level 3-A. Although these recipients of reciprocal licenses are not necessarily employed in New Mexico’s public schools, Dr. Harrell



continued, the activity plotted by the graph suggests that word of the three-tiered system had spread to other states as early as 2004 and that the minimum salaries have attracted more out-of-state interest.

At the district level, Dr. Harrell reported, experiences with teachers licensed through reciprocity have been positive. A staff telephone query to 20 selected districts, most of them along one of New Mexico's borders, indicated that the process works smoothly in general and that teachers licensed and then employed through reciprocity typically bring many years of experience, fresh perspectives, and additional or greater levels of training.

In addition to teachers from other states who receive reciprocal licenses, Dr. Harrell said several districts have employed teachers from other countries who have received New Mexico licenses through reciprocity. In general, Dr. Harrell stated, school districts in New Mexico contacted by LESC staff express the same level of satisfaction with these international teachers as with those from other states.

Finally, as for the concern that prompted this inquiry – that teachers are seeking licensure in other states to avoid the PDD – Dr. Harrell said that there seem to be very few instances of this practice. PED does not collect such data, he said, but the department suspects the incidence to be quite low. Furthermore, among the school districts contacted, only two had any knowledge or experience, either direct or indirect, with that practice. One, Dr. Harrell said, attributed it to “grousing”; the other case involved two teachers living on the border with Arizona who were seeking licensure in Arizona, but they have not decided whether to apply for positions in that state or in New Mexico. Finally, offering a different perspective, Dr. Harrell noted that two other districts said that the three-tiered system has made New Mexico more competitive with other states and more attractive to teachers in other states, particularly in terms of salary, professional development, and opportunities for advancement.

#### **Committee Discussion:**

In response to committee members' questions about testing arrangements, Ms. Martinez said that the NMTA are offered every three months in various locations throughout the state; Dr. CdeBaca said that, because of their length, two parts may be taken in one day and the other on another day; and Dr. Harrell said that both the PED website and the contractor's website offer information and guidance for test-takers, including preparation tips and sample test questions.

Committee members raised several questions about costs associated with the NMTA. In response, Ms. Martinez said that the registration fee for each of the three main components is \$89.00; and Dr. CdeBaca said that the fee for each additional academic endorsement is \$35.00 and that the fee for the background check, with the fingerprint card, is \$34.00. In response to a related question, Dr. CdeBaca said that teachers seeking reciprocal licenses must submit to a background check in New Mexico.

In response to a committee member's concerns about the experiences of blind or deaf candidates with the NMTA, Dr. CdeBaca explained that all special accommodations are the responsibility of the testing contractor, in response to requests from individual candidates. Suggesting that the issue involves more than just test accommodations, this committee member proposed including it on the agenda for the LESC meeting in June. Dr. Rindone said that such a presentation might be provided under the community input portion of the meeting.

A committee member asked how a recipient of a license through reciprocity learns about New Mexico's standards. In response, Dr. CdeBaca said that this matter is handled at the district level, through professional development, specialized training, local evaluations, and a review of the curriculum that the teacher will be responsible for teaching. Dr. Harrell added that the majority of school districts contacted reported that they routinely require some kind of mentoring for Level 1 teachers (in some cases in addition to mentoring for Level 2 and Level 3-A teachers as needed), often assigning a particular staff member to monitor teachers licensed through reciprocity as they adjust to the circumstances of the district.

In response to a committee member's question about the subjects taught by teachers licensed through international reciprocity, Dr. Harrell said that these teachers often serve high-need areas in New Mexico: math, science, and special education in particular. In response to related questions about teacher supply and demand, Dr. Harrell reminded the committee of one of the findings of the joint review of the three-tiered teacher licensure system by the LESC, Office of Education Accountability, and the Legislative Finance Committee during the 2007 interim: that, while the teacher shortage in general has been relieved, there remain shortages in certain areas, among them math, science, and bilingual education.

In response to a committee member's question about the limited nature of New Mexico's reciprocity provisions, which apply only to teachers and administrators, Ms. Jonelle Maison, a bill drafter with the Legislative Council Service, provided some background. She said that the 2003 amendments to the personnel provisions in the *Public School Code*, including the three-tiered system and licensure reciprocity, were drafted according to the priorities of the Education Initiatives and Accountability Task Force, which had been focused on teachers. Dr. Harrell added that, among the parties to the Interstate Agreement through the National Association of State Directors of Teacher Education and Certification, reciprocity for teachers and administrators is far more common than for other categories; and Dr. CdeBaca noted that PED is planning to review the possibility of reciprocity for other categories of educational staff.

Finally, there were several questions about the data available related to the NMTA, teacher preparation, and student achievement.

- In response to a committee member's question about the connection between teachers' preparation programs, including their NMTA scores, and the subsequent performance of those teachers' students, Dr. Jerry Harmon, Dean, College of Education, Eastern New Mexico University (ENMU), said that ENMU conducts no studies of the achievement levels of students in classes taught by teachers prepared by ENMU. Dr. Harmon added that, regarding the NMTA in particular, universities are concerned that many people who register for the tests claim an affiliation with a particular university, like ENMU, when in fact, they are not enrolled, or they have not been admitted to a program.
- In response to a question from the Chair, Mr. Brandon Trujillo, with the Higher Education Department (HED), said that HED and PED are making progress toward aligning K-12 and higher education data systems; and Dr. Rindone said that there will be presentations on data sharing later in the interim.
- The Chair recognized Dr. Moises Venegas, with The Albuquerque Partnership. In response to questions from Dr. Venegas, Dr. CdeBaca said that PED has not conducted any studies to correlate candidates' NMTA scores on the math and science content area tests with the scores of those teachers' students on the math and science portions of the state standards-based assessments; and that classroom-level student achievement data are available not from PED but from individual districts.

With the consensus of the committee, the Chair requested that staff draft a memorandum to the Secretary of Public Education requesting that PED collaborate with other agencies and with early childhood teacher preparation programs to review the alignment of the teacher competency exam in early childhood education with the material taught in teacher preparation courses and with the standards expected of early childhood teachers.

## ADULT BASIC EDUCATION

Ms. Dorinda Fox, LESC staff, introduced Dr. Pam Etre-Pérez, Director of the New Mexico Adult Basic Education (ABE) program at the Higher Education Department (HED). She also introduced ABE site directors, teachers, and former students in the audience.

Reporting data provided by HED in 2007, Ms. Fox said that 30 percent of adults in New Mexico do not have a high school diploma or speak English very well, adding that the present LESC study found a high level of need for ABE in the state. The Bureau of Labor Statistics, Ms. Fox continued, reports that 90 percent of the growth jobs in New Mexico require education or training beyond high school. In addition, federal government studies point to the necessity for an educated work force to compete in the global economy and emphasize the relationship between education level and the standard of living of individuals and their families.

In 2003, Ms. Fox said, the Legislature amended the law to transfer the responsibility and authority of the state level ABE program from the former State Board of Education to the Commission on Higher Education (now HED). She said the administrative transfer of the ABE program to HED occurred in April 2005.

As more background information, Ms. Fox reported that, in August 1998, the US Congress enacted the federal *Workforce Investment Act of 1998* (WIA) that placed the longstanding federally funded adult basic education program among a variety of work force initiatives. She explained that Title II of the WIA is the *Adult Education and Family Literacy Act* (AEFLA), and adult education is defined within Title II as services or instruction below the postsecondary level for individuals who have attained 16 years of age; who are not enrolled or required to be enrolled in secondary school under state law; and who lack sufficient mastery of basic educational skills to enable them to function effectively in society. The Office of Vocational and Adult Education (OVAE) in the US Department of Education (USDE), Ms. Fox said, administers the federal ABE program. At the state level, the ABE program components offered in New Mexico include adult basic education (grades 1-8 and adult literacy); adult secondary education (grades 9-12 and General Educational Development (GED) preparation); English as a Second Language (ESL); family literacy; workplace literacy; work-based learning; and English literacy/civics education.

The extent of need for ABE in New Mexico is addressed in a 2005 national report prepared for the OVAE, Ms. Fox said. This report shows that New Mexico is second only to Texas among Southwestern states in its percentage of the adult population in need of basic education. More specifically, according to a HED 2007 report, approximately 400,000 adults in New Mexico need education services because they lack either a high school education or the ability to speak English well, or both.

Ms. Fox reported that the 28 local ABE programs administered by the Adult Basic Education Division at HED served annually an average of approximately 22,000 adult students in FY 05, FY 06, and FY 07, a fraction of the number of New Mexicans who could benefit from ABE. She

explained that statewide the data showed the ABE program served only 5.9 percent of the eligible ABE/GED population and only 4.3 percent of the eligible ESL population. Ms. Fox said the data also indicated that there were 30 communities underserved across New Mexico in FY 06 and FY 07.

Ms. Fox said that, in addition to serving only a fraction of the need in terms of eligible populations and geographic areas, the ABE program is challenged in meeting the level of needs of the individuals who enroll. The ABE student characteristics show that the highest need among New Mexico students is for education at the most basic levels and that approximately half of ABE students have been assessed as learning disabled. Ms. Fox added that, in FY 06 and FY 07, only 10 percent of those entering ABE programs came to ABE classes prepared to study at the secondary education level (GED). She noted that HED reported an increase in the numbers of ABE students ages 16-24 in the last three years, which mirrors a similar trend nationally and creates implications for ABE needs and resources.

The New Mexico ABE program is funded from both federal and state sources. Ms. Fox said that Title II of the *Workforce Investment Act* is the major source of federal support. She said the act provides five-year basic grants to states allocated by a formula that is based on the number of adults over age 16 who have not completed high school in each state. For FY 08, HED reports the receipt of over \$3.4 million in federal funds from the WIA. Of this amount, Ms. Fox said, HED uses no more than 5.0 percent (approximately \$172,085) for administration, 12.5 percent (approximately \$430,211) for leadership activities, and no less than 82.5 percent (approximately \$2,839,396) for distribution to eligible providers on a competitive request for proposal basis.

Referring to state funds for ABE, Ms. Fox said that each year the Legislature provides an appropriation to the ABE as part of the state's 25 percent match for receipt of federal funds that are provided to New Mexico. Historically, the Legislature has appropriated an amount well above the required federal match, and for FY 08, the 2007 Legislature appropriated approximately \$6.4 million to provide ABE services to eligible clients. Ms. Fox reported that HED distributes state funds to eligible program sites based on a funding formula that calculates weighted student headcount by level of instruction (beginning, intermediate, or advanced) according to total student contact hours. Another related source of ABE state funding is the Instructional Materials Fund, which is administered by the Public Education Department (PED). Ms. Fox said that, according to site directors as well as the ABE director at HED, allocations for instructional materials from the fund are inadequate for adult education programs, and the funds are not received by ABE programs on a timely schedule to meet program needs. In total, Ms. Fox said, funding for the New Mexico ABE program has grown modestly in recent years, with the increases primarily the result of additional legislative appropriations while federal funding has decreased slightly in the last three fiscal years.

Addressing program performance and student success, Ms. Fox named the four required federal core outcomes reported to OVAE and the level of performance in school year 2006-2007. In addition to the federal outcome measures, Ms. Fox said New Mexico has established additional state-specific measures of its own, including the percent of post-tested students that complete an educational level by type of program. She summarized student performance on the state-specific measures.

Ms. Fox summarized how ABE sites are evaluated and she described the ABE administration at HED, noting steps the program is taking to increase distance education through involvement in a national network and a contract with Eastern New Mexico University-Roswell to coordinate statewide distance education for ABE sites.

In April 2008, Ms. Fox said, LESC staff conducted a survey of 30 ABE site directors to obtain a picture of how students are recruited, the key factors affecting local programs, current unmet needs as evidenced in active waiting lists for education services, and local directors' views on the statewide administration of ABE. She said 23 program administrators responded for an 82 percent response rate. Ms. Fox summarized the answers to survey questions as well as some of the written comments. She said the survey results were key inputs for policy options in this report. She noted the results regarding the impact of limited funding on program effectiveness, the ABE students who have dropped out of high school before age 18, the lack of adequate instructional materials, and the desire for greater cooperation with colleges to meet the needs of eligible ABE students. Ms. Fox said responses to the LESC survey cast a light on a policy issue related to 16- to 18-year olds who have dropped out of high school or are considering dropping out. She said, although the federal eligible age for ABE/GED services is 16, the compulsory school age in New Mexico is 18; and the PED rule requires a school superintendent's permission for a student under 18 to take the GED test. If superintendents give high school dropouts permission to take the GED test, Ms. Fox said, they can add to the perception that dropping out of high school is acceptable. If they refuse, she added, they may be foreclosing the GED option for most dropouts until they reach age 18. Ms. Fox suggested that PED should provide superintendents with clear guidance on how to respond to these situations.

Ms. Fox next described the Return on Investment (ROI) projection that HED provided to the LESC. The ROI is an estimate of how the state of New Mexico will benefit over the next 20 years from investments made in the basic education of adult students.

As she presented the policy options, Ms. Fox said that, based on the research gathered for the report, the committee may wish to consider additional data gathering to determine how the ABE needs of New Mexico's youth and adults can best be met:

- Is there a need for increased funding for ABE? One hundred percent of ABE program managers who responded to the LESC survey indicated that limited funds has some or a significant impact on the ability to address the need for ABE services in their regions. Further fact-finding is needed to quantify and describe the need for new funding for ABE.
- Does the working relationship between ABE and the Instructional Materials Bureau at PED need improvement and is the formula for fund distribution adequate? In the LESC survey, five ABE programs indicated that communications need to improve or that instructional material funds for ABE are not adequate. If further study reveals that this problem is indeed systemic, HED and PED can be asked to develop a plan of action to resolve it.
- Are there good models in the state for optimal relationships between ABE programs and postsecondary institutions that can be replicated elsewhere? Several survey respondents indicated that transitions from ABE into postsecondary programs, as well as financial aid for students without GEDs, are handled well in some regions' sites but not others. By examining ABE postsecondary relationships, HED may find model partnerships that it can replicate so more students can gain the high level skills and knowledge they need for successful careers.

Dr. Etre-Pérez provided the committee with a handout entitled *New Mexico Higher Education Department Demonstration of Need for ABE*, which contained two pie-charts: one of eligible vs. served ABE population and one of ABE-served population, distribution by age. It also included the following potential ABE requests:

1. Serve Waitlisted – ABE programs in New Mexico reported 2,300 students waiting to enter programs during school year 2006-2007. At the current funding rate of \$500 per student annually, the cost of serving the waitlisted is \$1.25 million;
2. Intensive Services – At \$500 per student annually, the average number of instructional hours per week is two. If 6.0 percent of ABE students received intensive instruction (10 hours per week), the cost to the state would be \$3.2 million;
3. Career Pathways – ABE will develop curricula around three of the New Mexico career clusters and integrate career awareness with GED and pre-GED instruction in reading and math. The cost to implement six instructional modules is estimated at \$1.5 million;
4. College Transition – Model programs will be developed around preparing students for successful college experiences while earning their GED. Co-enrollment in credit-bearing classes is advocated. With an estimated cost of \$750 per student, 2,000 students could be served for a total of \$1.5 million; and
5. Program Expansion – Over 400,000 New Mexican adults are in need of ABE services because they do not have a high school diploma or speak English well. Expanding services to increase enrollment by 10 percent at the current annual per-student rate would cost \$1.0 million, for a total ABE request of \$8.45 million.

### **Committee Discussion:**

In response to a committee member's question regarding incentives for GED students to enter college, Dr. Etre-Pérez said that all the adult graduates know that, upon receipt of a GED, they are eligible for the lottery scholarship provided that they enroll in postsecondary education no later than the semester after they complete their GED. She added that, if graduates cannot qualify for the lottery scholarship, they can apply for financial aid through the *College Affordability Act*.

Addressing the issue of transportation raised by a committee member, Mr. Brandon Trujillo, Legislative Liaison, HED, said that HED is considering putting transportation forward as a proposal for a pilot project at UNM-Taos.

Regarding a committee member's suggestion that the GED program be offered through distance learning to alleviate the problem rural students have in accessing the courses in the areas where they live, Dr. Etre-Pérez said there is a distance learning education program in ABE, but it is not widespread. She added that until recently, one drawback was the inability to use federal funds for distance education; but that issue has been resolved. She said many programs are now experimenting with distance education, and federal carry-over money is funding two pilot projects in Española and UNM-Valencia.

Addressing a committee member's concern that vocational education is not being held on an equal plane with college education, Ms. Fox referred to the beginning of the report, where she stated that 90 percent of the fastest growing jobs in New Mexico now require education and training past high school, which includes vocational and career technical education.

In response to a committee member's question if 16- to 18-year olds are recruited by ABE programs, Ms. Fox said the LESC survey showed a mixed response. Some respondents indicated that they do not recruit students, whereas, others indicated that they contact schools that students exited and that some of these students are given the option to enter ABE.

In response to a committee member's question about resources needed to address the number of adults on the waiting list for ABE, Dr. Etre-Pérez said that, based on an allotment of \$500 per student per year, \$1.25 million would be needed to eliminate the waiting list.

The committee discussion turned to the number of eligible persons not being served, the need for advocacy, and the lack of information to the LESC since the ABE program transferred out of PED.

The Vice Chair expressed concern that funding for ABE is crucial, especially due to the high level of poverty in the state; therefore, she moved that the committee write a letter to the Secretary of Higher Education requesting HED to develop a plan to address ABE funding. Upon a second by Representative Hall, the motion passed unanimously.

In response to a question by the Chair whether HED is considering the need for advocacy, Dr. Etre-Pérez said that HED has had to put a foundation under the program in order to be ready to advocate for growth. She said that she personally went to Washington, DC to meet with US Representative Tom Udall and that HED is now looking for ABE champions.

In response to a committee member's question whether the ABE program is serving people in Texas, Dr. Etre-Pérez explained that, because there are reciprocity agreements with our border states, there are ABE programs being served in border towns.

In response to a committee member's question regarding outreach to non-English speaking adults, Ms. Fox said that one of the things learned from the LESC survey is that ESL materials are offered not only in Spanish and English, but also in Navajo, French, Korean, Arabic, and Swahili. In response to another committee member's question regarding the location of ESL students, Dr. Etre-Pérez stated that the ESL population is spread across the state; however, the majority of ESL students are at the Doña Ana Branch Community College, the Santa Fe Community College, and Central New Mexico Community College ABE sites.

In response to a committee member's question whether ABE students must pay for their own books and materials, Ms. Fox said the ABE programs receive funds through the Instructional Materials Fund; however, the survey indicated that these funds are inadequate, and that ABE sites do not receive enough materials to meet the need.

In response to a question by the Chair about the role of the Department of Labor (Workforce Solutions) in ABE, Dr. Etre-Pérez said that ABE receives no funding from Workforce Solutions; however, ABE collaborates with the department on projects.

Representative Trujillo requested that the LESC provide this report to the Welfare Reform Committee because of that committee's longstanding interest in ABE.

## ◊ COMMUNITY INPUT

Ms. Sandra Carrica, President, Roswell Association for Gifted Students, and a parent of four gifted students (age 13 and under), addressed the committee on the importance of maintaining, as crucial policy, the inclusion of gifted services within special education. Doing so, she said, guarantees that all of the safeguards provided through the *Individuals with Disabilities Education Improvement Act* (IDEA) are available to students identified as gifted and their families, with only three exceptions as outlined in the *New Mexico Administrative Code*. She provided her remarks in written form and also addressed the committee.

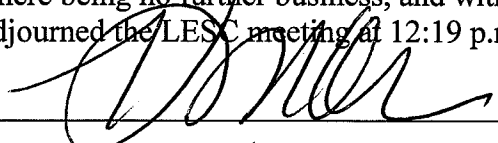
Ms. Carrica expressed concern that if the proposed funding formula is adopted in its current form, gifted students will lose an appropriate continuum of educational services, an individualized education plan, the requirement for a diagnostic process that reflects the diversity of the state, student and parent rights as currently defined through due process, and per-pupil funding above the base level to meet the unique needs of gifted students. She said the proposed funding formula includes gifted as one of 20 educational requirements to be provided through base funding; however, she said base funding implies a set amount of funding for each student for all necessary educational requirements. Because not all of the 20 educational requirements listed to be provided with base funding are necessary for all students, Ms. Carrica said that the likely result will be a situation in which one student needs more services than another but the formula does not generate any additional funding to support the additional services. She said districts will receive the same amount of funds regardless of whether they identify and serve gifted students and without regard to the quality of services provided. She said the New Mexico Association for the Gifted believes that this circumstance will result in diminished identification of gifted students and services, a result that would be detrimental at a time when historically under-identified and underserved gifted populations are being identified through the Frasier Talent Assessment Profile or DISCOVER and receiving more services than ever before.

Finally, Ms. Carrica said that the New Mexico Association for the Gifted proposes that the funding formula be amended to include gifted in the definition of special education and to allow add-on funds to be provided to districts for gifted education services at a per-student rate equivalent to the rate for students with disabilities, up to a 5.0 percent gifted identification rate. She added that districts with identification rates higher than 5.0 percent should be held harmless for students currently identified.

Chairman Miera assured Ms. Carrica that her remarks would be taken into consideration.

#### ADJOURNMENT

There being no further business, and with the consensus of the committee, Chairman Miera adjourned the LESC meeting at 12:19 p.m.

 Chairperson

August 6, 2008 Date